

3:30 P.M., Ohio County Community Center, Hartford, Ky

Due to the absence of Judge Executive David Jones, Magistrate Richard Robinson called the meeting to order. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Absent
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the regular meeting on September 15, 2009 as presented. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the bills, claims, payments and transfers as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the Treasurer’s Financial Statement for the month of August 2009 as presented (copy on file in Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve the Treasurer’s Financial Statement for the month of September 2009 as presented (copy on file in Clerk’s office).

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to authorize the Judge Executive to sign a Memorandum of Agreement with the Kentucky Transportation Cabinet, Department of Highways with provisions for the debris reduction as a result of FEMA 1818 DR KY at the Lewis Creek Lane and Back Gate Drive dump sites; contingent upon the MOA is returned from the Kentucky Transportation Cabinet, Department of Highways in acceptable form subject to a redraft of Paragraph 4 of the MOA to include the repair of three county roads (Mt. Pleasant, Sugar Grove & Wesley C. Phelps Memorial Drive) damaged by equipment and vehicles used during the performance of debris cleanup efforts.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court reject the sole bid received for the old EMS building and lots submitted by Dale Keener in the amount of \$40,000 (copy attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court authorize the Judge Executive to solicit bids from local auctioneers in order to obtain the best rate on commission fees to auction the old EMS building and lots. The County agrees to pay for advertising in paper(s).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to go into Closed Session for the discussions of pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into Closed Session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into Closed Session is for discussion of pending litigation.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to go back into Open Session. No other business was discussed or action taken during the Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court Approve the following Ad Valorem Tax rates per \$100 assessed valuation by special districts and other funds for FY 2009-2010 tax year, to be recorded in the Fiscal Court Order Book:

<u>Tax District</u>	<u>2009 Real Estate</u>	<u>2009 Tangible</u>
County:		
Extension Service	\$0.023	\$0.023
General	\$0.067	\$0.067
Health	\$0.035	\$0.035
Library	\$0.068	\$0.749
Soil Conservation	\$0.006	\$0.006
School:		
Ohio County: General	\$0.448	\$0.448
Special:		
Caney Creek Watershed	\$0.060254	\$0.060254

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the first reading or Ordinance No. 2010-4: An Ordinance Adopting General Ad Valorem Tax Rates Per \$100 Assessed Valuation On All Taxable Property Within The Jurisdiction For Ohio County General Fund For Calendar Year 2009.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve a Resolution authorizing the Judge Executive to sign an Agreement between the Ohio County Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet to perform bituminous resurfacing on various county roads totaling \$264,059 (copy attached).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the Sheriff's 2008 Unmined Coal Settlement as presented, subject to State audit (copy attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve Jailer Rip Wright’s recommendation to increase the pay rate for Donna Calloway from \$9.00 per hour to \$9.50 per hour effective retroactive to 10/4/2009.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve Jailer Rip Wright’s hiring of Timmy Griffin, Part-time Deputy Jailer at a rate of \$9.00 per hour effective 9/21/2009.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to add approximately 150 feet to C-607/Greene Lane beginning at the northernmost point of the existing Ohio County road and continuing in a northerly direction an additional approximately 150 feet; provided easements are obtained from property owners; and, contingent upon Hancock County Fiscal Court performing the needed work on the Hancock County side.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve, effective 10/6/09, to have the remaining cleanup of debris resulting from the January 2009 ice storm disaster performed exclusively by the Ohio County Road Department employees, unless otherwise ordered by the Ohio County Fiscal Court.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to require any organization receiving at least \$5,000 or above in county tax money and/or in-kind services from the County during any calendar or fiscal year must submit one full financial report to the Ohio County Fiscal Court showing how the money and/or in-kind services were utilized; starting January 2010 for any 2009 monetary contribution and/or in-kind services.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

REGULAR

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OCTOBER

2009

Motion made by Esq. Minton that the meeting is adjourned.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk